

**EXHIBIT 17**

## Sleepy Hollow cops face brutality probe

FBI investigates allegations  
of misconduct in use of stun guns

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The Journal News

**SLEEPY HOLLOW** — The FBI has launched an investigation into allegations of brutality and misconduct by village police, prompted by cases in which officers Tasered a 16-year-old boy and allegedly beat up and Tasered another person who accused a detective of romancing his daughter, The Journal News has learned.

Federal agents are questioning all officers involved in those cases and others as part of a probe that began a month ago.

"They're investigating allegations of police brutality and misconduct," Police Chief Jimmy Warren confirmed yesterday. "They've asked for records, and they've asked to speak to the officers individually. That will be coming up in January."

The police chief said the probe has an unlimited scope, but agents so far have focused on the two recent cases.

The first occurred outside the police station Oct. 17, 2006. Resident Mario Gomez said he was punched, kicked and shocked with a stun gun when he confronted Detective Jose Quinoy. The fracas stemmed from Gomez's belief that Quinoy, 35, was romantically involved with his 22-year-old daughter. Gomez and his now-estranged wife, Awilda, who

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## FBI probes allegations of Sleepy Hollow police brutality

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said Quinoy threw her to the ground, were both arrested in that incident. They have filed a federal lawsuit against Quinoy, the village and police officials, claiming their civil rights were violated.

Mario Gomez's lawyer, Francis Young, welcomed the FBI probe.

"You have repeated incidents of bad police operations in Sleepy Hollow, especially with this officer Quinoy," Young said. "There should be consequences. Hopefully, once the federal authorities look into this, everything will come out and the people of Sleepy Hollow don't have to worry about out-of-control police officers."

The other incident occurred in August of this year, when village police zapped Duanny Lara Mota with a stun gun. The 16-year-old apparently was riding his bike erratically with a friend on the sidewalk at Teresa Street and Beekman Avenue, when Quinoy and Officer Paul Nelson saw the teen riding in violation of village law.

Police suspected the bikes were

stolen and told the boys the bikes would have to be taken to headquarters. Mota refused to cooperate with police, cursing at them, disobeying orders and then running away, police said.

Quinoy directed Nelson to shoot Mota with a stun gun. The boy then was taken by ambulance to police headquarters, where police removed the stun-gun barbs. Though emergency medical technicians were prepared to take the teen to the hospital, the police chief did not wait for a paramedic to evaluate him before deciding he did not require further treatment.

Mota's mother later took him to Phelps Memorial Hospital Center in the village, and he was released after treatment.

The department's "Taser" policy does not require hospitalization in similar circumstances but does require that a paramedic evaluate the patient to determine if further medical treatment is needed.

Mota was charged with disorderly conduct, resisting arrest and obstructing governmental administration. He also was ticketed in

connection with riding his bike on the sidewalk.

Warren said police conducted internal investigations of both the Mota and Gomez incidents and they "revealed no misconduct."

However, he said the department was cooperating with the FBI's requests.

"They've asked to speak to the officers involved (in both cases)," the police chief said, "and any officers that might have information."

Mayor Philip Zegarelli was aware of the probe, although he has not been contacted by federal investigators. The mayor said it may "help clear the air, one way or the other."

"It is what it is," Zegarelli said yesterday. "I find nothing wrong or out of the ordinary that they are doing this. ... This is their role and they are doing it. I'm quite at ease in them doing this."

Andrew Quinn, Quinoy's lawyer, said the FBI has yet to contact his client.

"In the event he is, he will cooperate in all respects with the investigation," Quinn said. "Because we

haven't spoken with any law enforcement agency, it would not be appropriate to comment on the substance of the allegations."

The Mota family yesterday had no immediate comment.

An FBI spokesman did not return calls seeking comment.

While federal probes of local police departments are rare, the U.S. Department of Justice announced earlier this year that it had initiated a civil investigation into allegations of brutality by Yonkers police.

Regarding the Sleepy Hollow investigation, Gomez's lawyer said, "I thought it should have been done by the Westchester D.A.'s Office a long time ago."

The county District Attorney's Office has received no complaints regarding the Sleepy Hollow incidents and was unaware of the FBI probe until contacted yesterday by the newspaper, spokesman Lucian Chalfen said.

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OUR VIEWS

## A Sleepy Hollow probe

An FBI investigation of cops can help clear the air

When a 49-year-old Tarrytown man was Tasered by Sleepy Hollow police a year ago, this after a confrontation with an officer he believed to be romantically involved with his 22-year-old daughter, an internal investigation found nothing wrong. A lawsuit by Mario Gomez, who alleges he was punched and kicked in addition to being stunned, is pending. Gomez's now-estranged wife, Awilda, is also a plaintiff, claiming she was thrown to the ground in the same incident, which occurred outside the police station Oct. 17, 2006, and resulted in charges against both. "They almost killed this guy," Francis Young, the lawyer representing Mario Gomez, said in October. "In 23 years of practice, I've never seen anything this egregious."

Months later, a 16-year-old village boy was also Tasered by Sleepy Hollow police, this after a confrontation that began with the youth's riding a bicycle on the sidewalk. One officer was involved in both incidents; Det. Jose Quinoy did the stunning in the Gomez matter, and he ordered another officer, Paul Nelson, to stun the youth roused for the bike-riding infraction. In that case, which occurred in August, the boy had sassed the police and took off running, but did not get very far. At the time, police were criticized for not taking the boy to the hospital, and there were questions as well about the bike infraction; police said the youth was among a pair observed "riding their bicycles erratically." So, *that* is how such trouble starts?

Once again, an internal investigation revealed no misconduct. It is against this backdrop that The Journal News reported

### Speak out

Join the conversation on the probe of the Sleepy Hollow Police Department in the "Westchester" forum at [lohud.com/forums](http://lohud.com/forums).



this week that the FBI has launched an inquiry into allegations of brutality and misconduct against the force. Coming at a time where many departments are being scrutinized for their use of stun guns — in recent years there have been a number of deaths stemming from their use — and given the inherent difficulty in a police force investigating itself, the outside inquiry could prove invaluable — in terms of fact-finding and simply clearing the air. Counsel for Quinoy said the officer will cooperate with the probe.

The Justice Department is well-practiced at such investigations; USA Today reported this week that cases in which police, prison guards and other law enforcement authorities allegedly have used excessive force or other tactics to violate a victims'

civil rights have increased 25 percent from fiscal year 2001 to 2007, when compared with the previous seven-year period. Prosecutions of law enforcement officers during the first 10 months of fiscal year 2007 are up 66 percent from fiscal 2002 and up 61 percent from a decade ago. The Justice Department is also looking into allegations of

misconduct involving the Yonkers Police Department. Of course, an inquiry by itself is proof of absolutely nothing, but they afford communities a unique opportunity to look inward. Sleepy Hollow, as with Yonkers, certainly can use the introspection. It hardly hurts to take a look.

An outside inquiry of police can help clear the air.